

From: Sam Gorton
To: Microsoft ATR
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Subject: Microsoft Settlement

Hello; I am a US Citizen living in Massachusetts, and I would like to comment on the proposed Microsoft settlement as per the Tunney act.

Regardless of the wisdom of settling with Microsoft, I see two major problems with the settlement as written:

- 1) There is no enforcement mechanism within in the settlement - if Microsoft violates the settlement, what recourse does the public have? In particular, what timely recourse does the public have, without starting a new multi-year anti-trust suit?
- 2) The settlement allows Microsoft the latitude of determining who to disclose its APIs to - which allows is to arbitrarily exclude competitors and also makes it possible for Microsoft to use "anticompetitive" practices against Open Source solutions.

As a computer security professional, I can tell you that overly secretive software combined with poor quality control are a significant source of vulnerabilities. Because of how many civilian goverment and Department of Defense computers rely on Microsoft software, I believe it is critical to the health of the US information infrastructure to require some level of openness and competition from Microsoft.

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